

14 JUN 2005 447

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In re Application of :
Tsukaya et al. :
Application No. 10/507,106 :
PCT No.: PCT/JP03/02755 :
Int. Filing Date: 07 March 2003 : DECISION
Priority Date: 12 March 2002 :
Atty. Docket No.: 26352U :
For: Gene Participating In The :
Synthesis Of Brassinosteroid :
:

This is in response to the "Notification of Transliteration Error..." filed on 07 December 2004.

BACKGROUND

This international application was filed on 07 March 2003, designated the United States, and claimed an earlier priority date of 12 March 2002. The International Bureau transmitted a copy of the published international application to the USPTO on 18 September 2003. Accordingly, the 30 month time period for paying the basic national fee in the United States expired at midnight on 12 September 2004. Applicants filed *inter alia* the basic national fee on 10 September 2004.

DISCUSSION

Inspection of the declaration filed on 07 December 2004 reveals that it names a joint inventor, Hirokazu Tsukaya, whose name does not match the information appearing on the published international application, which instead refers to an inventor named "TSUKAYA, Yuichi." Counsel states that this discrepancy, as well as the spelling of this inventor's residence address, arose from a "transliteration error and the first inventor's legal name and address have not changed." Counsel refers to MPEP § 605.04(g) as authority to accept this explanation, in apparent reference to MPEP § 605.04(b), which states in part that

When a typographical or transliteration error in the spelling of an inventor's name is discovered during pendency of an application, a petition is not required, nor is a new oath or declaration under 37 CFR 1.63 needed.

See also MPEP § 201.03(b). Consistent with this practice, the spelling appearing on the declaration filed on 07 December 2004 is being accepted.

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CONCLUSION

Counsel's request is **GRANTED**, as described above.

This application is being forwarded to the National Stage Processing Branch for further processing, including the correction of all official USPTO records to reflect the information appearing for first-named inventor Tsukaya on the declaration filed on 07 December 2004. The date of this application under 35 U.S.C. 371(c)(1), (2) and (4) is **10 September 2004**.



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